

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C. 20231
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 03 May 2000 (03.05.00)	
International application No. PCT/GB99/03226	Applicant's or agent's file reference CTE/PL62189WO
International filing date (day/month/year) 29 September 1999 (29.09.99)	Priority date (day/month/year) 01 October 1998 (01.10.98)
Applicant COLLEY, Stephen, William et al	

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

10 March 2000 (10.03.00)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Pascal Piriou

Telephone No.: (41-22) 338.83.38

RECEIVED 24 JAN 2001

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CTE/PL62189WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB99/03226	International filing date (day/month/year) 29/09/1999	Priority date (day/month/year) 01/10/1998
International Patent Classification (IPC) or national classification and IPC C07C67/54		
Applicant KVAERNER PROCESS TECHNOLOGY LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 10/03/2000	Date of completion of this report 19.01.01
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Pérez Carlón, R Telephone No. +49 89 2399 8125 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/03226

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*:

Description, pages:

1,3-10,12-26 as originally filed

2,2a,11 as received on 17/10/2000 with letter of 17/10/2000

Claims, No.:

1-14 as originally filed

Drawings, sheets:

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/03226

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	9,12
	No:	Claims	1-8,10,11,13,14
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-14
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: EP-A-0 151 886

See also objections under item VIII.

- 1.1 Document D1 describes a process for the recovery of ethyl acetate comprising two distillations, the first one performed at a pressure below 5 bar (p. 11, l. 9) for example at 1 bar (p. 21, l. 35) and the second between 10-40 bar (p. 11, l. 11), for example at 20.7 bar (p. 22, l. 19). The feedstock is supplied to the first distillation zone or to the second (see p. 10, l. 31 to p. 11, l. 31), a first distillate is supplied to the second distillation zone (see figure 3, line 167) and the second distillate is recycled to the first distillation zone (line 177). On p. 14, l. 23-25 of D1 it is explicitly stated that water is detected in the reaction mixture (the feedstock). The generation of water in the dehydrogenation reactor finds also support in the data from table 1 of the Application (see columns corresponding to water content in lines 9 and 24).
- 1.2 The subject-matter of claims 1-8, 10, 11 and 13-14 cannot therefore be considered as new, in the sense of Art. 33(2) PCT.
2. Removal of water in order to obtain a valuable relative dry ethanol would be considered as an obvious option within the normal working procedure of the skilled person. The introduction of the second distillate in the first distillation column at a point above the feed of the feedstock would also be obvious for the skilled person, since it is the bottoms the product to be isolated as pure as possible, whereas the distillate will be further purified (see Ullmanns Encyklopädie der technischen Chemie, Verlag Chemie, 4th edition, 1972, vol. 2, p. 507).
- 2.2 No inventive step in the sense of Art. 33(3) PCT is therefore apparent for claims 9 and 12.

Re Item VII

Certain defects in the international application

1. The term "about" in connection with numerical values, used in throughout the description and claims is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT and The Guidelines III-4.5a).

Re Item VIII

Certain observations on the international application

- 1.1 Claims 1 (partially), 7, 8, 10, 11, 13 and 14 do not meet the requirements of Art. 6 PCT in that the matter for which protection is sought is not defined. The claims attempt to define the subject-matter in terms of the result to be achieved (compositions of the distillates/bottoms, "effective" distillation pressures, etc). Such a formulation is in this case not allowable (see The PCT Guidelines, III-4.7), since it possible to define the subject-matter in terms of *features such as pressures* (as in claims 3 and 5), *distillation temperatures, etc*, leading to the afore-mentioned results.
- 1.2 For the examination procedure, those statements are to be considered as merely indicatives of the result to be obtained and not as a limiting feature (The PCT Guidelines, III-4.8).